

STATE PERSONNEL BOARD CALENDAR



JUNE 22, 2004

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: June 11, 2004

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the June 22, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on June 22, 2004, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the June 22, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda
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June 11, 2004

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH MEETING AGENDA**

JUNE 22, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL

2. REPORT OF THE EXECUTIVE OFFICER

Report of Laura Aguilera
Interim Executive Officer
State Personnel Board

3. REPORT OF THE CHIEF COUNSEL

4. NEW BUSINESS

(Items may be raised by Board Members for
scheduling and discussion at future meet-
ings.)

5. REPORT ON LEGISLATION

* Sign Language Interpreter will be provided for Board Meeting
upon request - contact Secretariat at (916) 653-0429, or CALNET
453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following
Internet address: <http://www.spb.ca.gov/calendar.htm>

CLOSED SESSION OF THE STATE PERSONNEL BOARD

9:30

6. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES
Deliberations on matter submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

7. PENDING LITIGATION
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e) (1), 18653.]

State Personnel Board (SPB) v. Department of
Personnel Administration (DPA)/
International Union of Operating Engineers
(IUOE et al. Sacramento County Superior
Court Case No. 01CS00109

Association of California State Attorneys
and Administrative Law Judges v.
DPA/California Department of Forestry
Employees Association (ASKA) CDF
Firefighters Court of Appeal, Third district
No. C034943
Sacramento County Superior Court No.
99CS03314)

IUOE v. SPB/Public Employee Relations Board
(PERB)
Unfair Practice Case No. SA-CE-1295-S

Connerly v. SPB

8. RECOMMENDATIONS TO THE LEGISLATURE
Deliberations on recommendations to the Legislature. [Government Code Section 18653.]

9. RECOMMENDATIONS TO THE GOVERNOR
Deliberations on recommendations to the
Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

10. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF JULY 7-8, 2004, SACRAMENTO, CALIFORNIA

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY
MINUTES OF JUNE 8, 2004
12. ACTION ON SUBMITTED ITEMS
(See Agenda Page 20)
These items have been taken under submission
by the State Personnel Board at a prior
meeting and may be before the Board for a
vote at this meeting. This list does not
include evidentiary cases, as those cases
are listed separately by category on this
agenda under Evidentiary Cases.
13. EVIDENTIARY CASES
The Board Administrative Law Judges conducts
Evidentiary hearings in appeals that include,
but are not limited to, adverse actions,
medical terminations, demotions,
discrimination, reasonable accommodations,
and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A

Appeal from denial of reasonable accommodation
Correctional Lieutenant
California Rehabilitation Center - Norco
Department of Corrections

ANDREW CIRNER, CASE NO. 03-2241EA

Appeal from denial of request for reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination
Fish and Game Warden
Department of Fish and Game

SHANNON FROEMING, CASE NO. 03-2871EA

Appeal from denial of request for reasonable accommodation
Employment Program Representative
Employment Development Department

PAUL H. KEMP, Case No. 01-2841

Appeal from dismissal
Teacher Assistant - Youth Correctional Reception Center and Clinic - Sacramento
Department of the Youth Authority

JENNIFER KILL, CASE NO. 02-2164B

Appeal for determination of back salary, benefits and interest
Supervising Cook
California Correctional Institution - Tehachapi
Department of Corrections

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility -
Corcoran
Department of Corrections

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support Coordinator I
California State University -
Monterey Bay

BEVERLY WILSON, CASE NO. 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University - Carson

B. CASES PENDING

- Oral Arguments
These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

MARK BRAVO, 03-3135
Petition for Rehearing
Supervising Registered Nurse
Department of Mental Health

LORI BERWICK, 03-1130, 03-1131, &
03-2275

Appeal from salary reduction, suspension
& dismissal

Office Services Manager II
Board of Equalization

- Court Remands

These cases have been remanded to
the Board by the court for further
Board action.

NONE

- Stipulations

These stipulations have been
submitted to the Board for Board
approval, pursuant to Government
Code, section 18681.

DENNIS VALENTINO, CASE NO. 03-3223

Appeal from suspension

Pest Control Specialist

California State University - Long Beach

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED
DECISIONS

- Proposed Decisions

These are ALJ proposed decisions
submitted to the Board for the
first time.

ERNESTINE FORREST, CASE NOS. 00-0375B &
00-1274B

Appeal from six-week suspension and
dismissal

Corporations Counsel

Department of Corporations

SHARNA WILSON MCMILLAN, CASE NO. 03-2395

Appeal from fifteen-work-days suspension

Fair Employment and Housing Consultant I

Department of Fair Employment and
Housing

LINDA PARDY, CASE NO. 03-1376E
Appeal from denial of reasonable
accommodation
Environmental Scientist
San Diego Regional Water Quality
Control Board

SYRUS PARVEZIAN, CASE NOS. 03-0041 and
03-0852
Appeal from thirty-calendar-days
suspension and dismissal
Associate Engineering Geologist
Department of Transportation

PAUL RICHARD, CASE NO. 04-0139
Appeal from demotion
Associate Governmental Program Analyst
Department of Corrections - Sacramento

MATTHEW SEIFERT, CASE NO. 03-2397
Appeal from dismissal
Officer
California Highway Patrol

KEITH THOMAS, CASE NO. 03-2869
Appeal from complaint of disability
discrimination and unlawful retaliation
Parole Agent I
Department of Corrections - Long Beach

JAMES MICHAEL WOLF, CASE NO. 04-0278
Appeal from Official Reprimand
Youth Correctional Counselor
Department of the Youth Authority

- Proposed Decisions Taken Under
Submission At Prior Meeting
These are ALJ proposed decisions
taken under submission at a prior
Board meeting, for lack of majority
vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

SAUNDRA AVILA, CASE NO. 03-3419
Appeal from non-punitive
termination
Correctional Officer
California Institution for Men -
Chino
Petition for rehearing filed by
appellant
to be granted or denied

ESTEBAN MORALES, CASE NO. 03-2813
Appeal from two-step reduction in
salary for six-months and
reassignment to another shift
Psychiatric Technician
Department of Developmental
Services
Petition for rehearing filed by
appellant
to be granted or denied

RANDOLPH NOBLE, M.D., CASE NO. 03-0741
Appeal from whistleblower retaliation
Medical Consultant (Enforcement)
Medical Board of California
Petition for rehearing filed by appellant
to be granted or denied

RICHARD WISLER, CASE NO. 03-2827
Appeal from five-percent reduction in salary for ten-months
Transportation Engineering Technician
Department of Transportation
Petition for rehearing filed by appellant
to be granted or denied

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

DONALD ATKINS, CASE NO. 03-1448P
Appeal from five-percent reduction in salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections at San Quentin

TIMOTHY BOBITT, CASE NO. 02-2856
Appeal from suspension
Senior Special Agent in Charge
Department of Justice at Sacramento

NICHOLAS COMAITES, CASE NO. 03-0062
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND

PAUL WARD, CASE NO. 03-0332
Appeal from official reprimand
Correctional Administrator
Department of Corrections

MICHELLE DAWKINS, CASE NO. 03-2755
Appeal from demotion
Fiscal Services Supervisor to Typist
Clerk III
Human Services Agency, Merced County

RONALD GALI, CASE NO. 03-0462
Appeal from dismissal
Native American Spiritual Leader
Folsom State Prison - Represa
Department of Corrections

DEBRA GREENE, CASE NO. 03-0621
Appeal from non-punitive termination
Psychiatric Social Worker, CF
Department of Corrections

MARTIN HERNANDEZ, CASE NO. 02-4449P
Appeal from demotion
Correctional Sergeant
Calipatria State Prison - Imperial
Department of Corrections

ELIZABETH HERRERA, CASE NO. 03-2220A
Appeal from constructive medical
termination
Administrative Support Coordinator I
California State University - San Jose

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MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion
Staff Services Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services

CONNIE JAMES, CASE NO. 03-3136
Appeal from 15-working days'
suspension
Accounting Technician
Employment Development Department

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30 calendar days suspension
Employment Program Representative
Employment Development Department

HUGO LANDEROS, CAE NO. 03-3190
Appeal from dismissal
Employment Program Representative
Employment Development Department

JACQUELYN McCARVER, CASE NO. 03-0669
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center - Fallbrook
Department of Corrections

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health

LEIJANE OGAWA, CASE NO. 03-2943E
Appeal from discrimination
Office Assistant (General)
Department of Transportation

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections

KEVIN REDDINGTON, CASE NOS. 03-2646 &
03-0386P
Appeal from ten-percent reduction in
salary for six pay periods, and
dismissal
Office Technician (Typing)
Department of Forestry and Fire
Protection

KIM RITTENHOUSE, CASE NOS. 03-3541 &
03-3542E
Appeal from denial of reasonable
accommodation
And from constructive medical
termination
Office Technician (General)
Department of Fish and Game

PEARLIE BLEDSOE-TOWNES, CASE NO.
03-2966E
Appeal from denial of request for
reasonable accommodation
Correctional Sergeant
Central California Women's Facility -
Chowchilla
Department of Corrections

DENNIS UYEDA, CASE NO. 03-2396P
Appeal from five-working-days suspension
Latent Print Analyst II
Department of Justice

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services

GARY WHALEY, CASE NO. 03-1420E
Appeal from discrimination
Employment Program Representative
Employment Development Department

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 23)

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

FLOYD CARTER, CASE NO. 03-2282
Correctional Officer
Department of Corrections

SILVIA CAZARES, CASE NO. 03-2051
Correctional Officer
Department of Corrections

SHAWN HARB, CASE NO. 03-2126
Correctional Officer
Department of Corrections

GRANT HARPER, CASE NO. 03-2015
Correctional Officer
Department of Corrections

LOUIS HIXSON, CASE NO. 03-2121
Correctional Officer
Department of Corrections

SHAHADAT HUSSAIN, CASE NO. 03-1730
Correctional Officer
Department of Corrections

CHRISTIAN HUTCHINGS, CASE NO. 03-2465
Correctional Officer
Department of Corrections

MARIA JORGENSEN, CASE NO. 03-1567
Correctional Officer
Department of Corrections

WILLIAM LAMPLEY, CASE NO. 03-1734
Correctional Officer
Department of Corrections

BRYAN LUCCKETTA, CASE NO. 03-1830
Correctional Officer
Department of Corrections

DANTE MARKS, CASE NO. 03-1731
Correctional Officer
Department of Corrections

BRIAN NEWMAN JR., CASE NO. 03-1581
Correctional Officer
Department of Corrections

KEVIN OLIVEIRA, CASE NO. 03-1663
Correctional Officer
Department of Corrections

JOE PATTERSON, CASE NO. 03-2548
Correctional Officer
Department of Corrections

DOREEN PETERS, CASE NO. 03-1561
Cook Specialist I, Correctional Facility
Department of Corrections

STEVEN RICHARDS, CASE NO. 02-2807
Correctional Officer
Department of Corrections

ALAN TAO, CASE NO. 03-3258
Correctional Officer
Department of Corrections

ANTHONY VALDEZ, CASE NO. 03-1785
Correctional Officer
Department of Corrections

JAMES WOODS, CASE NO. 02-3691
State Park Ranger Cadet
Department of Parks and Recreation

JOE YOUNG, CASE NO. 03-0822
State Park Ranger Cadet (Lifeguard)
Department of Parks and Recreation

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS - NONE

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS - NONE

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

(Examination Appeal Case)

JAMIE CHAVEZ, CASE NO. 02-1211
Employment Program Representative (EPR)
Employment Development Department

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(Request to File Charges)

JOHN P. CORRAL, CASE NO. 03-0233
Staff Services Analyst
Department of Corrections

KARIN CHEN, CASE NO. 03-1101
Office Technician (Typing)
Department of Transportation

DEAN L. DRAKE, CASE NO. 02-4363
Correctional Officer
Department of Corrections

GLEN F. GREEN, CASE NO. 03-1127
A committed offender housed at Atascadero
State Hospital-Department of Mental Health

ROBERT DOUGLAS LEFORT, CASE NO. 03-1585
A committed offender housed at Atascadero
State Hospital-Department of Mental Health

- F. PSYCHOLOGICAL SCREENING CASES - NONE
Cases reviewed by Appeals Division staff,
but no hearing was held. It is
anticipated that the Board will act on
these proposals without a hearing.

16. NON-HEARING CALENDAR

The following proposals are made to the State
Personnel Board by either the Board staff or
Department of Personnel Administration staff.
It is anticipated that the Board will act on
these proposals without a hearing.

Anyone with concerns or opposition to any of
these proposals should submit a written
notice to the Executive Officer clearly
stating the nature of the concern or opposi-
tion. Such notice should explain how the
issue in dispute is a merit employment matter
within the Board's scope of authority as set
forth in the State Civil Service Act
(Government Code Section 18500 et seq.) and
Article VII, California Constitution.
Matters within the Board's scope of authority
include, but are not limited to, personnel
selection, employee status, discrimination
and affirmative action. Matters outside the

Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

NONE

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) DEPUTY DIRECTOR II, ADMINISTRATION
The California Science Center's request to establish the above position to the CEA category has been disapproved effective June 2, 2004.
- (2) DEPUTY DIRECTOR, EXHIBITS
The California Science Center's request to establish the above position to the CEA category has been disapproved effective February 9, 2004.
- (3) CHIEF COUNSEL

The Department of Food and Agriculture's request to establish the above position to the CEA category has been approved effective June 2, 2004.

(4) ASSISTANT SECRETARY, PROGRAM AND FISCAL AFFAIRS

The California Health and Human Services Agency's request to establish the above position to the CEA category has been withdrawn effective May 24, 2004.

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal 6/22/04)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry A. Hicks
Director of Legislation

Attachment

LEGISLATIVE TRACKING REPORT 2003-2004 SESSION

**Status as of
June 9, 2004**



ASSEMBLY BILLS (Tracking)

| BILL/ AUTHOR | BOARD POSITION | SUBJECT | STATUS OF BILL |
|--------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| AB 79 Dutra | NEUTRAL | AB 79 would suspend requirements for state departments and local agencies to prepare and submit various reports to the Legislature or the Governor until January 1, 2008. (This bill was amended on 3/25/04) | Location: Senate Government Organization Committee. |
| AB 1825 Reyes | NEUTRAL | This bill would require employers with 3 or more employees to post, as specified, information concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment and would require employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after January 1, 2004. | Location: Labor and Industrial Relations Committee. |
| AB 1827 Cohn | NEUTRAL | Creates a new exception to both state and local government open meeting laws that would allow state and local government bodies to meet in closed session for the purpose of discussing a confidential final draft audit report from the Bureau of State Audits. | Location: Senate Government Organization Committee |
| AB 1933 Pacheco | NEUTRAL | This bill would, among other things, extend the time for a public agency to respond to a request for public records from 10 to 20 days. | Location: Senate Judiciary Committee |

ASSEMBLY BILLS (Tracking)

| BILL/ AUTHOR | BOARD POSITION | SUBJECT | STATUS OF BILL |
|--------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| AB 2275 Dymally | SUPPORT | This bill would repeal those sections of the Government Code that is outdated with the inception of Proposition 209. In addition, it clarifies the responsibilities of State agencies EEO program. (Board sponsored) | Location: Senate Judiciary Committee. (Board-sponsored legislation) |
| AB 2314 Horton | NEUTRAL | This bill would make the same burden of proof in discipline cases involving managerial employees, as currently exists for non-manual employees. | Location: Senate Public Employment and Retirement Committee |
| AB 2408 Yee | SUPPORT W/ AMENDS | This bill would require the survey and report to include additional information, and, if deficiencies in bilingual staffing are identified, would require state agencies to fill public contact jobs with qualified bilingual staff, unless exempted by the board, as specified. | Location: Senate Public Employment and Retirement Committee |
| AB 2889 Laird | NEUTRAL | This bill would make employers responsible for the acts of non-employees with respect to all forms of harassment in the workplace where the employer or its agents or supervisors knew or should have known of the conduct and failed to take immediate and appropriate corrective action. | Location: Senate Judiciary Committee |
| AB 2900 Laird | SUPPORT | This bill would state the intent of the Legislature to enact legislation to address employment discrimination issues. | Location: Senate Judiciary Committee |

SENATE BILLS (Tracking)

| BILL/ AUTHOR | BOARD POSITION | SUBJECT | STATUS OF BILL |
|------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| SB 9 MCCLIN- TOCK | | Government Code relating to State employees' retirement. | Location: Amended (deals with safety employees) and moved to third reading file. |
| SB 1342 SPEIER/ ROMERO | | Among other things, this bill would provide a mechanism for greater cooperation and less duplication of effort between the OIG and the State Personnel Board (SPB) when those entities are conducting whistleblower retaliation investigations. | Location: Assembly Committee on Public Safety. |
| SB 1431 SPEIER | | This bill would require the Director of the Department of Corrections and the Director of the Youth Authority to: (1) provide for the development and implementation of a disciplinary matrix with offenses and associated punishments, that would apply to all employees of the respective department and would be consistent statewide; (2) adopt a code of conduct that clearly states an employee's responsibility to report employee misconduct and to cooperate in any law enforcement investigation; and (3) develop a program to ensure the protection of employees who have reported improper conduct and who need counseling and personal protection. | Location: Assembly Committee on Public Safety. |
| SB 1819 Ashburn | | This bill would allow the disclosure of records and information, under specified conditions, of a person with developmental disabilities to a state civil service employee against whom an adverse action has been filed, when necessary for the employee to defend against the adverse action. | Location: Double-referred to Assembly Committee on Health and Assembly Committee on Judiciary |

SENATE BILLS (Tracking)

| BILL/ AUTHOR | BOARD POSITION | SUBJECT | STATUS OF BILL |
|-------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| SB 1892 Burton | | This bill would repeal the provision of law of law that authorizes an employee organization that represents state employees to request the board to determine whether a proposed personal service contract, of a type that the state agency is not required to notify the board of its intention to enter into, is permitted by law. | Location: Assembly Public Employees and Retirement Committee |